

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

Fiscal Year 2012-2013

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

June 20, 2013

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on June 20, 2013. The following Board members were present: Martha G. Lavender, RN, DSN, President; Melissa Bullard, LPN, Secretary; Pamela Autrey, PhD., MSN, RN; Miriam Ellerbe, LPN; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Francine Parker, EdD, MSN, RN; Lynda F. LaRue, RN, ADN, CMTE; and E. Laura Wright, MNA, CRNA, PhD. Genell Lee, RN, MSN, JD, arrived at 10:15 a.m. Leslie Vinson, Executive Secretary/Recorder was present. Staff members attending portions of the meeting were: Peggy Benson, MSN, RN, Legal Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; Charlene Cotton, MSN, RN, Advanced Practice; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Joyce Jeter, MSN, RN, CE/Practice Nurse Consultant; Ladonna Patton, RN, MSN, Legal Nurse Consultant; Robert Rollins, IT Systems Associate; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, General Counsel.

B. Declaration of Quorum

A quorum was declared with nine Board members present. Carol Stewart, CRNP, MSN, Vice-President; Eugene Akers, PhD; Catherine Dearman, RN, PhD; and Amy Price, MSN, RN, were not present.

C. Statement of Compliance with Open Meetings Act

Prior notice of this meeting was posted on the Secretary of State's web site in accordance with the Alabama Open Meetings Act.

D. Review of Agenda

1. Additions, Modifications, Reordering

2. Adoption of Agenda

On June 20, Ms. LaRue moved that the Board approve the Agenda. Ms. Hopkins seconded. Motion carried without objection.

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the roster includes fifty-one applications for collaborative practice that meet the criteria for fast track approval without Joint Committee review. The Board of Medical Examiners (BME) met on June 12, 2013.

Applications for remote site practice, additional skills and/or special formulary will be presented to the Joint Committee at the July 16, 2013 meeting.

Ms. Cotton provided copies of the roster of applications for the Board's review and approval.

On June 20, Mr. Howard moved that the Board approve the applicants for collaborative practice as listed in the roster. Dr. Wright seconded. Motion carried without objection.

B. Critical Care NP Skills

Ms. Cotton reported that at the March 2013 meeting, the BME considered a request from Dr. James E. Johnson, Medical Director, MICU, UAB, to revise the credentialing requirements for placement of: (1) central venous lines, internal jugular; (2) central venous lines, femoral; (3) radial arterial lines; and (4) femoral arterial lines.

The Joint Committee reviewed the BME decision at the May 2013 meeting. ABN staff requested clarification on femoral arterial and venous line insertion. BME provided additional guidelines to accept simulation lab procedures for 50% of the required supervised procedures.

Ms. Cotton provided copies of BME mid-level practitioner skills protocol for the Board's information and review.

The Board reviewed and discussed the information provided.

Dr. Autrey recused herself from the discussion and vote.

On June 20, Dr. Wright moved that the Board adopt the revised requirements for central venous lines: internal jugular and femoral; radial arterial lines and femoral arterial lines. Dr. Parker seconded. Motion carried without objection.

C. Request from the Board of Medical Examiners

Ms. Lee reported that the law passed allowing CRNPs and CNMs to prescribe controlled substances under the authority of the BME. At a Joint Committee meeting, Dr. Harrison requested of Charlene Cotton that the ABN provide email addresses. MS. Cotton informed Dr. Harrison that the BME could purchase the mailing list. Mr. Larry Dixon, Executive Director of BME, sent a letter requesting a copy of the ABN's database for CRNPs and CNMs.

The BME provides the ABN with minimal electronic data on physicians for purposes of collaborative practice review. The BME does not charge the ABN for the data. Email addresses are not part of the submission. Physician names, mailing addresses for principal practice site and home, and license numbers are the material obtained from BME.

Ms. Lee sent an email requesting that BME specify the data points they are interested in obtaining because the entire database contains information not needed by BME and is private to the individual.

Ms. Lee provided copies of the letter from Larry Dixon for the Board's information and review.

On June 20, Dr. Autrey moved that the Board provide the same information to BME that BME provides to ABN: name, license number, mailing address for practice site and home for CRNPs and CNMs in collaborative practice. Mr. Howard seconded. Motion carried without objection.

III. NATIONAL COUNCIL OF STATE BOARDS OF NURSING

A. Election of Delegates to Annual Meeting

Dr. Lavender reported that the ABN is a member of the National Council of State Boards of Nursing (NCSBN) and membership allows Alabama candidates access to the National Council Licensure Exam (NCLEX). The NCSBN Annual Meeting is August 14-16, 2013 in Providence, Rhode Island. Each member Board has two delegates to vote on the requested activities of NCSBN.

NCSBN requests that two delegates be elected so that the information about the delegates can be sent to NCSBN for identification purposes. The ABN normally selects two alternate delegates in the event a delegate is unable to attend.

Dr. Lavender reported that Dr. Dearman and Ms. Stewart had expressed interest in being a delegate.

Dr. Parker reported that she would like to be a delegate.

On June 20, Ms. LaRue moved that the Board elect Dr. Dearman and Dr. Parker as delegates and Ms. Stewart and Ms. Bullard as alternate delegates. Ms. Hopkins seconded. Motion carried without objection.

B. Summary of Recommendations to Annual Meeting

Dr. Lavender reported that NCSBN provided a summary of recommendations to the Annual Meeting.

The Board reviewed each section of the summary of recommendations.

C. CORE Report on Discipline

Ms. Lee reported that NCSBN started collecting data from boards of nursing in 2005 as part of an initiative to establish national benchmarks. The ABN participated in the first data collection. When the report came out, it had minimal information that was useful to the ABN. When the call for the report came out in 2006, the Board reviewed the questions and considered the issues of great concern to the Board at that time. The Board voted not to participate in the Commitment to Ongoing Regulatory Excellence (CORE) at that time. A request was made to NCSBN not to communicate with nursing education programs, employers and nurses as the ABN was not participating.

Subsequent surveys were sent in 2008, 2010, and 2012. The request for reporting was sent before the end of FY 2012 and a subsequent email on October 2012 gave a completion date of November 9, 2012. The ABN FY 2012 ended September 30, 2012. The statistical and specific information requested in the survey was not available by November 9, 2012. ABN staff completed statistical information in January 2013 for publication in the annual report. To expect ABN staff to complete the CORE survey with a limited time after the end of the fiscal year is problematic.

The Alabama specific numbers in the FY 2012 report were not submitted by the ABN. The disciplinary actions listed in the report is too high compared to what the Board did in FY 2012. The report does not specify what dates were used to capture the FY.

Ms. Lee provided copies of the blank CORE FY 2012 survey and the NCSBN CORE Report for Discipline for the Board's information and review.

The Board reviewed and discussed the information provided.

Dr. Lavender requested to see all of the surveys that were sent out. The Board expressed their concern about the timeframe and the incorrect data.

Dr. Autrey reported that she would take the issues to the NCSBN Board of Directors and report back to ABN.

IV. BOARD TRAVEL

- A. 26th Annual Alabama Governor's Safety & Health Conference, Orange Beach, AL – August 26-28, 2013

No one requested to attend.

- B. NCSBN 2013 Annual Meeting, Providence, RI – August 14-16, 2013

Dr. Parker, Dr. Dearman, Ms. Bullard, Ms. Hopkins, Ms. Stewart, Dr. Lavender and Dr. Autrey were approved to attend.

V. EDUCATION

A. Snead State Community College ADN Program, Deficiency Improvement Plan

Dr. Lavender reported that the Snead State Community College ADN Program received a Notice of Deficiency in January 2013 for a 77.8% pass rate of first-time writers on the NCLEX-RN®. The standard is 80% of first-time writers are required to pass NCLEX-RN®. Snead State Community College's ADN program received direction to submit an improvement plan by June 3, 2013. The improvement plan was received on May 23, 2013.

Ms. Lee provided copies of the improvement plan for the Board's information and review.

The Board reviewed and discussed the improvement plan.

B. University of Alabama in Huntsville BSN Program, Deficiency Improvement Plan

Ms. Lee reported that a Notice of Deficiency issued to the BSN program at UAH in January 2013 required submission of an improvement plan by June 3, 2013. The deficiency was for a 79.2% NCLEX-RN® result for first-time writers in FY 2012.

Ms. Lee provided copies of the improvement plan for the Board's information and review.

The Board reviewed and discussed the improvement plan.

C. Fortis Institute PN Program, Deficiency Improvement Plan

Ms. Lee reported that the Fortis College PN program was provisionally approved in September 2008. The first graduates had a composite NCLEX-PN® of 87.5% in FY 2011 and the program received full approval. In January 2013 the program received a Notice of Deficiency for a 70.7% pass rate of first-time writers on the NCLEX-PN® in FY 2012. The program received instruction to submit an improvement plan no later than June 3, 2013.

Ms. Lee provided copies of the improvement plan and a letter from Fortis College for the Board's information and review.

The Board reviewed and discussed the improvement plan.

D. Chattahoochee Valley PN Program, Deficiency Improvement Plan

Ms. Lee reported that Chattahoochee Valley Community College PN program received a Notice of Deficiency for a 77.8% pass rate of first-time writers on the NCLEX-PN® in FY 2012. The program received instructions to submit an improvement plan by June 3, 2013.

Ms. Lee provided copies of the improvement plan for the Board's information and review.

The Board reviewed and discussed the improvement plan.

E. Lurleen B. Wallace ADN Program, Deficiency Improvement Plan

Ms. Lee reported that Lurleen B. Wallace Community College ADN program received a Notice of Deficiency in January 2013 for a NCLEX-RN® pass rate of 68.9% for first-time writers. The program was instructed to submit an improvement plan by June 3, 2013.

One of the concerns is that it appears there are more resources on the Opp campus than on the Greenville campus. A search of the ABN files did not reveal an approval for the Greenville campus but per the program director, the paramedic to RN program began on the Greenville campus in 2008 and the PN to RN Mobility program began in 2009. The report addresses the Opp campus, but LBW has one program code and the Greenville campus does not have a separate program code from the Opp campus.

Ms. Lee provided copies of the improvement plan for the Board's information and review.

The Board reviewed and discussed the improvement plan.

Dr. Lavender requested to see more analysis of graduates who failed NCLEX and how the results were analyzed. The Board also requested to know why it appears that the Opp campus has more resources than the Greenville campus.

F. Practical Nursing Programs' Noncompliance with Pre-Nursing Course

Ms. Lee reported that upon review of the nursing education rules in 2006, the ABN reviewed Body Structure and Function content used in practical nursing programs. Because of the complexity of patients and the expanded expectations, the Board made the

decision to require all nursing programs to offer science courses, including a corresponding lab, in anatomy and physiology.

The amended rules became effective in 2007 so PN programs had a year to implement the requirement. A notice was sent to PN programs and the Director of Health Services for the Department of Post-Secondary Education was notified. There is nothing in the education files to indicate that the change to anatomy and physiology was ever evaluated by the Board.

During 2013, when the EO reviewed the annual nursing education reports, a requested curriculum grid demonstrated that Body Structure and Function with a lab was still in the state-wide curriculum. Linda Cater, Director of Health Services of Post-Secondary Education, indicated the change was made in some PN programs but not in others.

On May 27, 2013, a list serv electronic mail was sent to all Board-approved PN programs requesting notice of those programs teaching Body Structure and Function rather than anatomy and physiology. As of June 1, only Bevill State Community College admitted they offered students a choice of Anatomy and Physiology or Body Structure and Function. The response also indicated that for Fall 2013, all PN students would have Anatomy and Physiology with a lab. On June 1, 2013, another list serv email indicated that not all responses were received and reminded the program directors that disciplinary action could occur for repeated failure to respond to official correspondence for information from the Board.

The email of June 1, 2013 received responses and Annitta Love, MSN, RN, program director from Trenholm State Technical College's PN program provided an email from post-secondary advising programs they can add a lab to Nur 101-Body Structure and Function. The communication from the Department of Post-Secondary Education was not approved by the Board members or staff. June 3, 2013 was the first time the Board received written notification that the Department of Post-Secondary Education provided incorrect information to the programs.

Communication occurred with the programs both in the rulemaking process and after the rules became effective to be sure the programs knew of the change.

The following programs are not in compliance with the rules: (1) Bevill State Community College PN Program; (2) Fortis Institute PN Program; (3) Southern Union Community College PN Program;

(4) Trenholm State Technical College PN Program; (5) Wallace Community College PN Program-Dothan; and (6) Wallace Community College PN Program-Selma.

Ms. Lee provided copies of an email from Linda Cater to PN programs, response from Linda Cater, and Nur 101 Teaching Plan for the Board's information and review.

The Board reviewed and discussed the information provided.

On June 20, Mr. Howard moved that the Board, in view of the communication issues with Post-Secondary Education, give Bevill State Community College PN Program; Southern Union Community College PN Program; Trenholm State Technical College PN Program; Wallace Community College PN Program-Dothan; and Wallace Community College PN Program-Selma until Fall 2014 to come into compliance with the law. Ms. Hopkins seconded. Motion carried without objection.

On June 20, Dr. Parker moved that the Board provide a Notice of Deficiency to Fortis Institute PN Program for offering Body Structure and Function rather than Anatomy and Physiology with a lab with an expectation of immediate compliance. Ms. LaRue seconded. Motion carried without objection.

VI. NURSING PRACTICE

A. Glucagon Pilot Project: Public Schools

Ms. Lee reported that the school nurses, State Department of Education, and the ABN worked on medications in the schools since 2000. Specific regulations, a curriculum to teach unlicensed school personnel, and discussions with legislators are some of the activities. In 2012 a Senate Committee reviewed issues associated with diabetes in the schools and the ABN agreed to conduct a pilot project for events the schools find difficult to staff—athletic events, summer camps, and field trips. The State Department of Education supports the pilot project. The school systems that volunteered to participate are: (1) Birmingham City; (2) Blount County; (3) Coffee County; (4) Haleyville City; (5) Homewood City; (6) Limestone County; (7) St Clair County; and (8) Vestavia City.

The school systems represent inner-city systems as well as rural systems. A draft glucagon teaching tool was started and the ABN and SDE staff continue to develop the teaching tools and

competency checklists. It would seem that some pre-pilot questions would be helpful along with post-pilot questions. One of the goals is to prevent glucagon being required so documentation about preventing glucagon should be listed. The pilot will run between July 1, 2013 – August 31, 2013 as this is when summer camps, athletic practices, and other school-sponsored activities occur.

If the Board members have specific questions to include in the pre-pilot survey and post-pilot, the ABN and SDE staff would like those included. Other questions the Board members have would be useful so that we can use those questions at the beginning of the pilot and incorporate them into the teaching session. The method is to teach the school nurses for each of the systems and provide them with teaching tools to use in teaching their unlicensed personnel.

Dr. Lavender asked the Board members to email any suggestions or questions to Ms. Lee as soon as possible.

Ms. Lee provided copies of the initial draft for Glucagon Training for pilot project for the Board's information and review.

The Board reviewed and discussed the draft for Glucagon training.

On June 20, Mr. Howard moved that the Board approve the details of the pilot project for emergency Glucagon for diabetic students in the public schools for school-sponsored events (camps, athletic events, field trips). Dr. Parker seconded. Motion carried without objection.

B. Draft Amended Curriculum to Teach Unlicensed Personnel to Assist with Medications in the Schools

Ms. Lee reported that since the early 2000's, the Board and the State Department of Education worked on issues associated with medications in the schools. A set of regulations specific to delegation of assistance with medications in the schools by the school nurse went into effect in 2001. In 2009, there were minor amendments based on recommendations from school nurses and when the Board moved specific settings to Chapter 7 of the ABN Administrative Code.

The ABN/SDE approved curriculum used to teach unlicensed school personnel about assistance with medications has undergone two revisions. The last changes were in 2007. The State School Nurse Consultants started reviewing the curriculum

for possible changes in 2012. ABN and SDE staff would like to have the new curriculum available by the Fall 2013. An attempt will be made to place the training online similar to the Alabama Department of Mental Health training program.

Ms. Lee provided copies of the draft proposed amended curriculum for the Board's information and review.

The Board reviewed and discussed the proposed amended curriculum.

On June 20, Dr. Wright moved that the Board approve the proposed amended draft curriculum to teach unlicensed school personnel about assistance with medications. Ms. LaRue seconded. Motion carried without objection.

VII. EXECUTIVE OFFICER

A. Request from Alabama Association of Regulatory Boards

Ms. Lee reported that she was contacted by the Alabama Association of Regulatory Boards (AARB) to obtain an answer regarding a membership fee increase. The current fee is \$450 per year. The proposed increase is \$975 per year in order to hire a lobbyist for the organization.

The Board discussed whether to continue the membership with the AARB.

On June 20, Dr. Wright moved that the Board support an increase in membership fees to AARB. Dr. Parker seconded. Motion carried without objection.

B. Statutory Changes to the Rulemaking Procedure

Ms. Lee reported that during the 2013 Regular Legislative Session, Rep. April Weaver sponsored a bill changing some elements of rulemaking. The bill passed and was signed into law by the Governor. One of the changes is that any agency that is proposing a rule must post the proposed rule on the agency's website or a website in the executive branch. The ABN posts proposed rule changes on our website and have done so for the past five or six years. The change will not make any difference in the practices of the ABN.

Another change is that if a business objects, during the public

notice time, to a rule because of its economic impact, the agency has to file a Business Economic Impact Statement. The statement does not have to be filed at the time of filing the rule. The agency still has to complete a fiscal impact statement if there is an economic change as a result of the proposed rule. The Legislative Reference Service is developing the format for the Business Economic Impact Statement.

The bill also requires the agency to submit electronic notice of proposed rule changes to anyone that registers to receive rules. Routinely rules are sent to the Alabama State Nurses Association, downloaded by the Alabama Hospital Association, downloaded by the Board of Medical Examiners, and the Alabama Association of Nurse Anesthetists if the proposed rules impact CRNAs. Proposed rules are also sent via list serv to Chief Nursing Officers (if practice is involved) and Deans and Directors (if nursing education rules).

Ms. Lee provided copies of a letter from the Legislative Reference Service and a copy of Act 2013-88 for the Board's information and review.

The Board reviewed and discussed the changes to the rulemaking process.

VIII. BOARD DEVELOPMENT: TEAM ASSESSMENT

A. Team Assessment

Dr. Lavender reported that the Board members completed a questionnaire that was created to help a team evaluate its susceptibility to the five team dysfunctions described in *The Five Dysfunctions of a Team* (Lencioni, 2002).

Dr. Lavender conducted a power point presentation on the survey results.

IX. STRATEGIC PLAN REVIEW OF GOALS, DISCUSSION OF PERFORMANCE MEASUREMENT WITH FACILITATORS

A. Goals and Objections from May 16, 2013 meeting

Rex Snyder and Dan Tennimon, Troy University, were present and conducted a power point presentation on the goals and objectives that the Board came up with at the May Board meeting. Mr.

Snyder and Mr. Tennimon also reviewed performance measures and provided handouts for the Board.

The Board discussed combining Goal 6 with Goal 2 as an objective.

Dr. Lavender asked that each Board member send any language or suggested changes to Ms. Lee no later than June 30.

Dr. Lavender requested that Board members be ready to present ideas to go with the goals and objectives at the July Board meeting.

Ms. Lee asked the Board to think about other performance measures they may want other than percent completed.

Dr. Parker was not present from 2:45 p.m. to 3:21 p.m.

X. NEXT MEETING DATE: July 18-19, 2013 9:00 a.m., RSA Plaza, Suite 350, 770 Washington Ave, Montgomery

XI. OTHER

- Dr. Lavender welcomed the guests for the State Department of Education and Post-Secondary Education.
- Ms. Lee introduced Joyce Jeter, MSN, RN, CE/Practice Nurse Consultant.
- The Board discussed the Myers Brigg personality test and DISC Profile behavior test. Dr. Lavender and Ms. Lee will review Myers Brigg and DISC Profile tests for the Board to complete.
- Ms. Lee reported that Catherine Russell, PhD, RN, will start August 1, 2013 as the Education Consultant.
- Ms. Lee reported that she and Dr. Lavender conducted a site survey at ITT Tech Bessemer on June 19, 2013.
Ms. LaRue was not present from 3:12-3:17 p.m.
- The Board discussed Board member orientation. Ms. Lee asked the Board what they would like to cover in Board member orientation.
- Ms. Lee reported that ABN gets a number of requests for email addresses. One of the regulatory boards requested an Attorney General's opinion which states that email addresses are not public records.

XII. BOARD MEETING DEBRIEFING

XIII. ADJOURNMENT

The meeting adjourned at 3:21 p.m. on June 20, 2013.

Martha Lavender, President

Melissa Bullard, Secretary

Submitted by: _____
Leslie Vinson, Recorder
6/20/2013